

REMARKS

This responds to the Office Action dated June 4, 2007.

Claim 1 is amended and no claims are canceled or added; as a result, claims 1-3 remain pending in this application.

§101 Rejection of the Claims

The claims were rejected under 35 U.S.C. § 101 as failing to place the invention squarely within one statutory class of invention. The Office Action asserts that because the description of the present application at page 6, lines 1-4 states that the transaction processor, which may take the form of software stored on a storage medium, which may include conveyance as a data stream over a network, that the claims are not squarely within one statutory class of invention. However, Applicant respectfully submits that claim 1 is to a method which includes processing of data, claim 2 is to a data structure, and claim 3 is to a system. Applicant is not clear as to how these claims are viewed as outside of the purview of the statutory classes of invention set forth in 35 U.S.C. § 101 simply by a statement that is included in the description of the inventive subject matter. Applicant believes the Office Action is somehow viewing the claims in the commonly used computer readable medium claim form, which are often referred to as Beauregard claims. Applicant respectfully submits that claims 1-3 are not in such a form and respectfully requests withdrawal of the 35 U.S.C. § 101 rejection.

§102 Rejection of the Claims

Claims 1-3 were rejected under 35 U.S.C. § 102(e) for anticipation by Horn et al. (U.S. Patent Application Publication No. 2002/0156688; hereinafter “Horn”). Applicant respectfully traverses the 35 U.S.C. § 102(e) rejection of claims 1-3 because Horn fails to teach or suggest all of the claim limitations.

Horn is directed to a global electronic commerce system. The system of Horn is a system that is used to provide product information to buyers and allow buyers to create transactions to purchase such products. Horn does describe capturing transaction data, but the system that is used to create the transactions is the same system used to capture transaction data.

In contrast, claim 1, as amended, is a method of processing, associating, and archiving data received data from two or more different software systems. The data in the method is

received and not created as in Horn. The key values are of transactions created in the other software systems and are not created by the method. Viewed simply, the method of claim 1 is a method of collecting, indexing, and archiving data from two or more other systems for later retrieval.

Thus, Horn is a system primarily used to provide product information to buyers and receive their orders. Horn is a single system, contrary to the claimed two or more software systems from which data is received. Horn further fails to include receiving data from other systems because the inputs in Horn are received directly into the system. Further, because Horn is a single system, Horn does not need to process copies of the electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item as claimed.

Claims 2 and 3 include similar elements and as claim 1 and are equally distinguishable over Horn.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection and allowance of claims 1-3 at because Horn fails to teach or suggest a system, method, or data structure that receives/collects, indexes, and archives data from two or more software systems for later retrieval.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6938 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of January 2008.

Zhakalazky M. Carrion

Name


Signature